

United States District Court
District of Massachusetts

FILED
U.S. DISTRICT COURT
BOSTON, MASS.

03-0348

2004 AUG 13 P 12:45 CIVIL NO. 04 10897 GAO

Metropolitan Property and Casualty Insurance Co.

Plaintiff
U.S. DISTRICT COURT
DISTRICT OF MASS

REQUEST FOR DEFAULT
(PURSUANT TO RULE 55(a))

United States of America
Defendant

To the Clerk of the above-named Court:

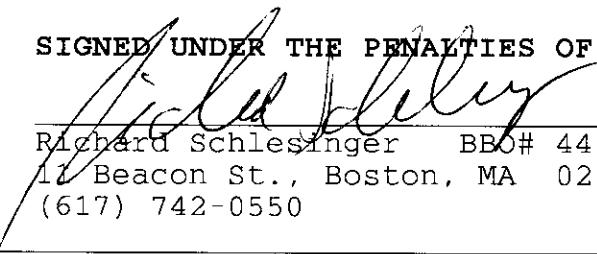
I, Richard Schlesinger, attorney for the above-named plaintiff, Metropolitan Property and Casualty Insurance Co., state that the complaint in which a judgment for affirmative relief is sought against the defendant herein, was filed on 05/05/04, and the summons and a copy of the complaint have been served on the defendant herein by certified mail on May 12, 14, and 17, 2004, as appears from the certified receipts filed with the court on 6-3-04; that the time within which the defendant shall serve a responsive pleading or otherwise defend pursuant Rule 12(a), has expired and the defendant herein has failed to serve or file an answer or otherwise defend as to the complaint.

Wherefore, the plaintiff,

Metropolitan Property and Casualty Insurance Co. makes application that the defendant, United States of America, be defaulted.

Dated at Boston, Massachusetts, this August 12, 2004.

SIGNED UNDER THE PENALTIES OF PERJURY


Richard Schlesinger BBO# 445840
11 Beacon St., Boston, MA 02108
(617) 742-0550

PLAINTIFF'S REQUEST FOR DEFAULT JUDGMENT

(PURSUANT TO RULE 55(B) (1))

The undersigned requests that judgment enter against the defendant(s) _____ in the amount of \$_____ together with interest in the sum of \$_____ with costs and makes affidavit that:

1. The total amount due the plaintiff(s) exclusive of costs in his (their) claim against the defendant(s) is \$_____.
2. That the defendant(s) is (are) not an infant(s) or incompetent person(s).
3. That the defendant(s) is (are) not in the military service of the United States or its Allies, as defined in the Soldiers' Relief Act of 1940, as amended, but is (are) at present _____.

Subscribed this _____ day of _____, 19____ under the penalties of perjury.

EXECUTION REQUESTED

Plaintiff's Attorney

CERTIFICATE OF SERVICE

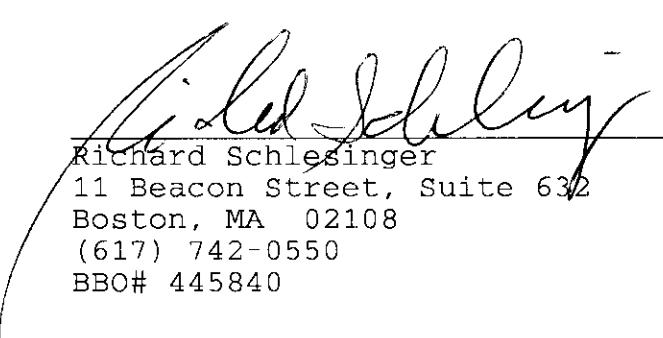
I, Richard Schlesinger, certify that on this August 12, 2004, I forwarded a copy of **REQUEST FOR DEFAULT** (PURSUANT TO RULE 55(a)), by letter, postage prepaid to Defendant, directed to:

United States Postal Service
Tort Claims-Accounting Service Center
P.O. Box 80471
St. Louis, MO 63180-9471

John Ashcroft
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

Civil Process Clerk
Office of the U.S. Attorney
U.S. CourtHouse, Ste. 9200
1 CourtHouse Way
Boston, MA 02210

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.


Richard Schlesinger
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CHARLES SOMMO III

DANIEL J. REDDIG

MICHELLE L. SCHLESINGER-ZAFF

DOUGLAS S. TEPE

August 12, 2004

LEONARD SCHLESINGER
OF COUNSELPLEASE REFER TO
OUR FILE NO.

03-0348

Office of the Clerk
United States Dist. Crt.- Dist. of MA
1 Courthouse Way
Boston, MA 02210

RE: Metropolitan Property and Casualty Insurance Co.
VS: United States of America
Docket No.: 04 10897 GAO

Dear Sir/Madam:

As the Defendant United States of America has not filed an Answer to the Complaint, enclosed please find a Request for Default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Kindly docket same in your usual manner. Thank you.

Very truly yours,



Richard Schlesinger

RS:djr
encl.